

Voting rights for future?

Lowering the voting age from a children's rights perspective

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When John Stuart Mill [referred](#) to liberty as the greatest value that guarantees people's freedom and right to have a choice, he pointed out that children were 'incapable of being acted on by rational consideration of distant motives' and therefore, unable to enjoy liberty and make decisions for themselves. Mill's statement reflects a broader argument according to which the distinction between adults and children in political influence is justified due to their immaturity and lack of development. The seventeen-year-old climate activist Greta Thunberg has influenced politics around the world, but she is not entitled to vote due to her age. This contribution makes the case for the minimum voting age to be lowered, comparing it with other age limits that are much such as the threshold to work, to join labor unions and to be held criminally accountable. It is suggested that an appropriate age limit is thirteen years, corresponding to the age that the International Labour Organization considers old enough for a child to start light work. Furthermore, the age of thirteen years is [called](#) the 'Internet's Age of Adulthood' since in accordance with the US [legislation](#) 'Children's Online Privacy Protection Act' a majority of popular online social network applications can be used by persons at this age or above. It is my contention that in today's fast development era with an easy access to knowledge, endless possibilities of self-expression through technology, a thirteen-years-old voter can make a well-informed political decision in the same way as the eighteen-year-old.

Who can vote?

The UNCRC in [Article 1](#) defines child as 'every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier'. At this point, one may wonder what the implications of progressive politics of lowering age limits would be. Could the age of majority also be lowered soon? Those considerations are inextricably connected with the future of the definition of the child itself and might be the interesting point to be addressed elsewhere.

Setting of voting age limits is within the discretion of domestic legislators. In terms of international law standards concerning the right to vote, the United Nations Convention on the Rights of the Child (UNCRC) does not mention the right to vote, whereas [Article 25](#) of the International Covenant on Civil and Political Rights (ICCPR) acknowledges the right to vote for every citizen 'without unreasonable restrictions'. Can the total exclusion of children from the voting process be considered an 'unreasonable restriction' from Article 25 ICCPR? Historically speaking, the intent behind the exclusion of a particular group of a society from the voting process was to [disempower](#) this group. Hence, *the status quo* where children

are allowed to work and participate in politics, for instance through activism, but at the same time they are restricted from directly expressing their political views is an example of a disempowering practice that indeed seems to be an 'unreasonable restriction'.

The vast majority of countries consider children ineligible to vote and set their voting age limits to eighteen years. Nevertheless, Austria and Malta have [lowered](#) their voting age to sixteen years. In Germany sixteen-year-old children can vote in municipal elections, and [several](#) other states allow seventeen-year-olds to vote. The Committee on the Rights of the Child, in its Concluding Observations on Austria's report concerning the implementation of the UNCRC, praised the country's effort to include adolescents to the voting process and consider lowering the voting age from eighteen to sixteen as '[progress](#) achieved by the State'.

Moreover, it is worth noting that the voting age has been decreasing over time. Until the 1970s in Europe, the most common voting age requirement was twenty-one years; in 1946, Czechoslovakia (now the separate states of Czech Republic and Slovakia) was the [first country](#) world to lower the voting age to eighteen years.

Work but don't vote!

Age limits separate children from adults and create groups within society characterized by different ranges of privileges and responsibilities. However, it has been common practice by every State Party that despite the rigid age of majority established by national law, to include possible exceptions when a child can be treated as an adult. Those exceptions can be found, *inter alia*, in criminal and labor law.

There is no international consensus in terms of minimum age of criminal responsibility and therefore, age limits [vary](#) drastically in this regard throughout the world. However, the UNCRC Committee [proposed](#) the age of twelve years as a minimal standard used for guidance to States Parties. By setting a minimum age of criminal responsibility, the State presumes that the child is able to be held accountable for his or her activities albeit not being able to vote. The child has the right to be adequately informed about all legal proceedings during the criminal trial that concern her or him. Furthermore, if she or he does not agree with the sentence, there is a possibility of appeal. Children enjoy all fundamental rules of fair trial. Regarding the issue of voting, the UNCRC Committee [stressed](#) the importance of civic education and providing all necessary information to children if the State Party would consider lowering the voting age below eighteen. Thus, analogically to the information received by children in the pre-trial process, the child should have all practical and theoretical information before he or she would go to the voting booth. Hence, the assumption that after receiving necessary knowledge, the child is capable of being a voter, applies to the same extent as the assumption that he or she is capable of standing in front of the judge. In all matters affecting children, regardless whether they concern rights derived from children's actions (criminal liability) or whether they concern civil and political rights, education is essential.

The International Labour Organization [accepts](#) that children from thirteen years of age onwards can engage in light work, while the basic minimum age of work cannot be set under fifteen years. Further, [Article 15](#) UNCRC provides that children have the right to freedom of association and freedom to peaceful assembly. Hence, in accordance to these international instruments, children entering the legal labor market can join labor unions and participate in negotiations with the employer. At the same time, young workers are excluded from a voting booth, where they would be able to actually influence the government policies concerning work regulations and not only react to them later on by striking or protesting. Children workers should, aside from enjoying their obligations and privileges deprived from belonging to the legal labor market community, have the same level of influence on the government's labor policy as their older counterparts.

Despite the fact that UNCRC as well as greater part of domestic legislators set the age of majority at eighteen years, children find themselves in various circumstances where they are treated like adults. However, children in those situations usually do not enjoy their sudden "adult-like" status because it is usually connected to obligations and/or sanctions related with juvenile delinquency or their need to work, and not to privileges that adults have, such as the right to vote. All the possible exceptions regarding age limits create an illusion of many different, often contradictory images of the child and various, inconsistent assessments of his or her capabilities. Lowering the voting age would address these discrepancies in a way that minors would be put in a position of power. They would have the right to actively *make* a choice instead of having the right to *respond* to choices already made by adults.

'There Are No Children. There Are People.'

Janusz Korczak, the author of these [words](#), developed a concept of children as a right holders and left a legacy of exceptional quality that remains extremely relevant today. Born in 1878 into a Jewish family in Poland, Korczak served the cause of children until the end of his life and died alongside them during the liquidation of Warsaw ghetto.

A hundred years after Korczak's birth, the Polish Parliament proclaimed 1978 the Year of Janusz Korczak. In the same year, possibly strategically, Poland [proposed](#) a draft of the UNCRC. The UNCRC was a milestone in empowering children and contributed to a paradigm shift by questioning the predominant, welfare-oriented narrative surrounding society's youngest group. Although most State Parties are willing to comply with the UNCRC's provisions, they have sovereign discretion to introduce policies to a greater or lesser extent in favor of child empowerment. Bearing in mind that Korczak's ideas such as a child's right to respect, were quite unpopular and extraordinary for his time, today he would likely be involved in controversial contemporary [campaigns](#) promoting lowering the voting age.

Lowering the voting age to thirteen years is first and foremost a matter of children's empowerment. However, it should be addressed in a comprehensive and consistent manner by providing necessary education to the youngest voters. Then, lowering the

voting age could profoundly benefit the lives of young people and would make their voices not only heard, but also, in the literal and metaphorical sense, count.

This article is based on the Advanced LL.M. thesis titled ‘Lowering the Voting Age from Children’s Rights Perspective’, written under the supervision of Professor Jaap E. Doek at Leiden Law School, Netherlands. You can find the thesis [here](#).

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